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Chairman: Mr. Kuchinsky ..... (Ukraine)

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The meeting was called to order at 3.25 p.m.

Agenda item 105: Human rights issues (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/59/L.32 and A/C.3/59/L.33/Rev.1)

Draft resolution A/C.3/59/L.32: Equitable Geographical Distribution in the Membership of the Human Rights Treaty Bodies

1. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Azerbaijan, Cameroon, China, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, El Salvador, Ethiopia, Guinea-Bissau, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Pakistan, Qatar, Russian Federation, Rwanda, Sudan, Togo, Tunisia, United Republic of Tanzania, Zambia and Zimbabwe.

2. **Mr. Cumberbach Miguén** (Cuba) announced that the following countries had also become sponsors of the draft resolution: Botswana, India, Indonesia, Kenya, Lesotho, Mali, Nepal, Sierra Leone, Sri Lanka, Suriname and Venezuela.

3. **Mr. Khane** (Secretary of the Committee) announced that the following countries had also become sponsors: Benin, Dominican Republic, Madagascar, Malawi, Mozambique and Niger.

4. **The Chairman** stated that a recorded vote would be taken.

5. **Mr. Cumberbach Miguén** (Cuba) asked the Chairman which country had requested the recorded vote.

6. **The Chairman** said that the recorded vote had been requested by the delegation of the United States.

7. **Ms. Bakker** (Netherlands) made a statement in explanation of vote before the voting on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the countries of the Stabilization and Association Process and potential candidates (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and Iceland and Norway. She said that, while recognizing that equitable geographical distribution, including in the membership of the human rights treaty bodies, was fundamental, the European Union was opposed to the draft resolution, because those treaties contained provisions on the membership of their bodies, which should consist of elected nationals of the States Parties. It was not for the General Assembly to amend those provisions or to put pressure on the Member States to do so. The European Union strongly opposed the establishment of the quota system referred to in paragraph 3. It was also opposed to paragraph 5, requesting the chairpersons of human rights treaty bodies to submit specific recommendations for achieving an equitable geographical distribution: it was neither for the General Assembly to formulate such requests to the chairpersons, who had been elected in their capacity as independent experts, nor for those chairpersons to envisage or to recommend a quota system. The European Union regretted that other relevant proposals that had been made and were more constructive had not been taken into consideration.

8. A recorded vote was taken on draft resolution A/C.3/59/L.32 as a whole.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Malawi, Maldives, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sudan, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad

and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Norway, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States.

Abstaining:

Bolivia, Brazil, Honduras, Paraguay, Ukraine.

9. *Draft resolution A/C.3/59/L.32 was adopted by 112 votes to 51, with 5 abstentions.*

10. **The Chairman** proposed that, pursuant to General Assembly decision 55/488, the Third Committee should take note of the Secretary- General's note on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/59/254) and of his reports on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/59/306), on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/59/308), on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/59/309) and on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/59/310).

11. *The decision proposed orally by the Chairman was adopted.*

12. **Mr. Konfuru** (Mali) said that his delegation had been absent during the vote on draft resolution A/C.3/59/L.32, but would have voted in favour of the text.

13. **Mr. Ovia** (Papua New Guinea) said also that his delegation had been absent during the vote, but would have voted in favour.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.37, A/C.3/59/L.39, A/C.3/59/L.42, A/C.3/59/L.45/Rev.1, A/C.3/59/L.47, A/C.3/59/L.56 and A/C.3/59/L.65)

Draft resolution A/C.3/59/L.42: Missing persons

14. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Argentina, Armenia, Austria, Canada, Egypt, Ethiopia, Germany, Greece, Italy, Jordan, Kazakhstan, Nicaragua, Peru, Switzerland, Tajikistan and Uzbekistan.

15. **Ms. Adjalova** (Azerbaijan), speaking as the main sponsor, read out revisions that had been made to the text. In operative paragraph 1, the expression "for States Parties" was deleted. In paragraph 5, the words "immediate steps" had been replaced with the words "all necessary measures, in a timely manner,". In paragraph 9, the word "all" had been deleted. Paragraph 11 had been revised to read as follows: "Also requests the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session". Lastly, paragraph 12 should read as follows: "Decides to consider this question at its sixty-first session". The representative of Azerbaijan announced that the following countries had become sponsors of the draft resolution: Belgium, Cyprus, Mauritania, Nigeria, Slovenia, Syrian Arab Republic, the former Yugoslav Republic of Macedonia and Tunisia. Inasmuch as no more than forty countries had not sponsored the text, there was clear progress in comparison with earlier years.

16. **The Chairman** requested the representative of Azerbaijan to provide in writing the revisions made to the draft resolution.

17. **Mr. Khane** (Secretary of the Committee) announced that the following countries had become sponsors: Benin, Grenada, Liechtenstein, Romania and Somalia.

18. **Ms. Zack** (United States of America) said that her delegation was glad to join the consensus but would like to explain its position on some legal points. In relation to paragraph 3, the United States considered that the right of families to know the fate of missing relatives was provided for in article 32 of the first Protocol Additional to the Geneva Conventions of 1949 and that that provision was binding only on the States Parties to that Protocol. Moreover, the United States interpreted paragraph 4 to mean that the States should take reasonable and appropriate measures to search for the persons reported missing. Lastly, the mention of human rights instruments in connection with armed conflicts in the fourth and sixth preambular paragraphs could only refer to applicable provisions. In that connection, the representative of the United States recalled that the United States Government considered that the law of war was the *lex specialis* applicable to armed conflicts.

19. Draft resolution A/C.3/59/L.42 was adopted without a vote.

Draft resolution A/C.3/59/L.45/Rev.1: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

20. **Mr. Khane** (Secretary of the Committee), referring to operative paragraph 18, said that the mandate of the Special Representative fell into the category of perennial activities. Since funds to be allocated to activities of that type were already included in the programme budget for the biennium 2004–2005, no supplementary credits would be necessary, if the Third Committee decided to adopt the draft resolution. The Secretary called the Committee's attention to the provisions of section VI of General Assembly resolution 45/248 B, reaffirming that responsibilities for administrative and budgetary matters rested with the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

21. **The Chairman** announced that the following countries had become sponsors: Albania, Angola, Armenia, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Dominican Republic, Italy, Madagascar, Niger, Nigeria and Republic of Moldova.

22. **Mr. Lied** (Norway), speaking as the main sponsor, stated that the seventh preambular paragraph had been revised to read as follows: "Emphasizing the important role of individuals, groups and organs of society in the promotion and protection of all human rights and fundamental freedoms for all". He announced that the following countries had become sponsors of the draft resolution: Cameroon, El Salvador, Micronesia (Federated States of), Nicaragua and Senegal.

23. **Mr. Khane** (Secretary of the Committee) announced that the following countries had ALSO become sponsors of the draft resolution: Azerbaijan, Benin, Botswana, Mauritius and Morocco.

24. Draft resolution A/C.3/59/L.45/Rev.1 was adopted without a vote.

25. **Ms. Al Haj Ali** (Syrian Arab Republic), speaking in explanation of position, noted that her delegation had joined the consensus. She underscored that the draft resolution precluded any interference in the internal affairs of States and the application of selective criteria. It gave non-governmental organizations rights, but also assigned them responsibilities, particularly the duty to be impartial and objective. The right of individuals to appeal to non-governmental organizations implied that they were set up and managed in accordance with national laws, and any other interpretation was unacceptable to the Syrian Government. Stressing that the resources received by non-governmental organizations did not establish a right, the representative of the Syrian Arab Republic regretted that the draft resolution did not put greater emphasis on the responsibilities of individuals, groups and organs of society, as her delegation had suggested.

Draft resolution A/C.3/59/L.47: Promotion of a democratic and equitable international order

26. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Angola, Burundi, Cape Verde, China, Eritrea, Ethiopia, Guinea-Bissau, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Myanmar, Pakistan and Sudan.

27. **Mr. Cumberbach Miguén** (Cuba) said that in operative paragraph 13 the expression "January 2003" should read "February 2005" and announced that the following countries had also become sponsors: Benin, Côte d'Ivoire, Egypt, Gambia, Jamaica, Malaysia,

Sierra Leone, Suriname, United Republic of Tanzania and Zambia.

28. **Mr. Khane** (Secretary of the Committee) announced that the following countries had also become sponsors: Belarus, Grenada, Dominican Republic and Rwanda.

29. **The Chairman** announced that a recorded vote would be taken.

30. **Mr. Cumberbach Miguén** (Cuba) asked the Chairman which country had requested the recorded vote.

31. **The Chairman** said that the recorded vote had been requested by Netherlands, on behalf of the European Union, and the United States.

32.. **Ms. Bakker** (Netherlands) speaking, in explanation of vote before the voting, on behalf of the European Union, said that the candidate countries (Bulgaria, Croatia, Romania and Turkey), the countries of the Stabilization and Association Process and potential candidates (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and Iceland supported her statement. The European Union firmly believed that it was necessary to continue to work towards a democratic and equitable international order, and was fully aware that the issues raised in the draft resolution were important and deserved to be studied and appropriately addressed by all countries. Several elements in the draft resolution, however, extended beyond the scope of the Third Committee and were not addressed comprehensively, but were referred to selectively, arbitrarily and out of context. The draft resolution underscored the international community's obligation to control the globalization mechanisms, but failed to refer to the States' duties and responsibilities in that area, which according to the European Union were crucial. The Third Committee was not a suitable forum for addressing those issues, and consequently the European Union would vote against the draft resolution.

33. A recorded vote was taken on the draft resolution.

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Santa Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sudan, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Norway, New Zealand, Netherlands, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States.

Abstaining:

Argentina, Armenia, Mexico, Peru.

34. *Draft resolution A/C.3/59/L.47 was adopted by 115 votes to 55, with 4 abstentions.*

35. **Ms. García-Matos** (Venezuela), speaking in explanation of vote after the voting, noted that her delegation had voted in favour of the draft, which stressed the need to take measures conducive to a democratic and equitable international order, and considered that the neo-liberal globalization process did not open any new vistas for economic development or for improving the standard of living in developing countries.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/59/L.53 and A/C.3/59/L.55*)

Draft resolution A/C.3/59/L.55: Situation of human rights in Belarus*

36. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Andorra, Australia, Bulgaria, Cyprus, Croatia, Hungary, Iceland, Malta, Marshall Islands, Spain, Switzerland and Turkey.

37. **Mr. Khane** (Secretary of the Committee) read out the revisions to the English version of the draft resolution made by the United States when the text had been introduced: the last line of operative paragraph 2, sub-paragraph (d) had been revised to read: "...RenTV, NTV and Associated Press".

38. Before Mr. Urbancik (United States of America), whom the chairman had invited to speak, could start, **Mr. Nikiforov** (Russian Federation) made a statement on a point of order. The Russian delegation regretted that the sponsors of the draft resolution had not followed the example of the Belarus delegation which, taking a constructive attitude, had withdrawn the draft resolution on the situation of democracy and human rights in the United States of America (A/C.3/59/L.60). At the outset of the debate, the Russian Federation had stated that the situation of human rights in Belarus did not warrant the adoption of a draft resolution by the Third Committee. The Russian Federation considered that the draft was a purely political step, did not aim at improving the situation of human rights in Belarus and was unnecessary, given the openness and constructive attitude of the country concerned in the area of human rights.

39. **Mr. Hof** (Netherlands), speaking on behalf of the European Union and making also a statement on a point of order, said that he took it that the representative of the Russian Federation wished to move the adjournment of the debate on the draft resolution, in which case it would be appropriate to apply rule 116 of the Rules of Procedure of the General Assembly.

40. **The Chairman** confirmed that the representative of the Russian Federation had moved adjournment of the debate on the draft resolution and, pursuant to rule 116 of the Rules of Procedure of the General Assembly, two representatives could speak in favour of, and two against, the motion, before the adjournment was put to the vote.

41. **Mr. Nikiforov** (Russian Federation) concluded by encouraging the other delegations to vote in favour of the adjournment.

42. **Mr. Xie Bohua** (China) said that his delegation considered politicizing the situation of human rights unacceptable and counterproductive, and supported the motion of the Russian Federation.

43. **Ms. Astanah Banu** (Malaysia) stated that, as her delegation had noted on the previous day, the Movement of Non-Aligned Countries had declared at its Summit Meeting that human rights issues should be considered in a global context, without interference in the internal affairs of States. Exploiting human rights to political ends, particularly by introducing country-specific draft resolutions, was contrary to the principles laid down in the United Nations Charter and should be proscribed. In view of some countries' persistence in introducing such draft resolutions, the Malaysian delegation could only support the adjournment.

44. **Mr. Hof** (Netherlands), speaking on behalf of the European Union, said that it voted against any motion for adjournment as a matter of principle, considering the practice to be incompatible with promoting dialogue. The motion introduced by the Russian Federation evidently aimed at preventing the Third Committee from examining the situation in a given country. But exempting any country, large or small, from scrutiny by the international human rights bodies ran against the principles of universality and interdependence of those rights and undermined the principles of transparency and freedom of expression, which were of key importance to the work of the General Assembly. The European Union firmly believed that the Third Committee should ensure that a substantive discussion of all proposals brought before

it took place, and urged the delegations to vote against the motion.

45. **Mr. Urbancik** (United States of America) stated that his delegation would vote against the adjournment, which was a blatant attempt to silence the Third Committee's consideration of human rights and fundamental freedoms in Belarus, thereby preventing it from fulfilling its mandate, which consisted in the realization of human rights and fundamental freedoms for all. The United States applauded States that allowed discussion of their human rights situation, thereby meeting their obligations as Member States of the United Nations and members of the international community. It was the duty of all delegations to consider the draft resolution and to reject the proposed procedural manoeuvre. The United States urged them to vote against the adjournment

46. A recorded vote was taken on the motion to adjourn the debate on the draft resolution.

In favour:

Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gambia, Georgia, Guyana, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mauritania, Mauritius, Myanmar, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Santa Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Norway, Netherlands, New Zealand, Palau, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States.

Abstaining:

Bolivia, Brazil, Cape Verde, Colombia, Côte d'Ivoire, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Honduras, Jamaica, Kuwait, Lesotho, Madagascar, Mali, Mexico, Morocco, Mozambique, Namibia, Nepal, Peru, Saint Vincent and the Grenadines, Sierra Leone, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay.

47. The motion to adjourn the debate on draft resolution A/C.3/59/L.55* was adopted by 75 votes to 65, with 28 abstentions.

The meeting rose at 4.30 p.m.